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No. 278

IN THE

Supreme Court of the United States

OCTOBER TERM, 1968

WALSTON A. LYNN, ET AL.,

Petitioners,

versus

J. W. CARAWAY, ET AL.,

Respondents.

OPPOSITION OF RESPONDENT, J. W. CARAWAY, TO PETITION FOR WRIT OF CERTIORARI.

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LECOMTE, SHREVEPORT, LOUISIANA

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Respondent, J. W. Caraway, pursuant to the direction and request of the Court, submits herewith the following response to the petition for a writ of certiorari filed on behalf of Walston A. Lynn, et al, in this cause.

Being a party to the proceedings in the Court below, appearer, J. W. Caraway, is a respondent herein

pursuant to Rule 21, Paragraph 6, of this Honorable Court. Judgment was rendered in favor of your respondent by the District Court below upon findings of fact that your respondent was not engaged in the offer or sale of any security and, further, that your respondent made no proscribed statement or omission under the securities Act of 1933. 252 F. Supp. 858, 865; petition for certiorari herein, pages 25 and 26. These findings were affirmed by the Court of Appeals, Fifth Circuit, 379 F. (2d) 943; petition for writs herein, page 28.

In the petition for a writ of certiorari herein no issue or question is raised as to the judgment in favor of your respondent below. The questions presented, numbered 1 through 4 on pages 2 and 3 of the petition, refer solely to the relationship between respondent Jones (first party) and respondent Allison (second party), and the application of law to that relationship. No reference is made to respondent Caraway or any party in his position.

In the argument in support of the petition contained in pages 7 through 12, inclusive of said document, no mention is made of your respondent Caraway. In said argument, petitioners complain solely of the decisions of the courts below insofar as they concern petitioners' demands against respondent Jones.

As the petitioners herein do not complain of the judgment below in favor of respondent Caraway, this re-

spondent respectfully submits that said petition should be denied as to J. W. Caraway.

Respectfully submitted,

BENJAMIN C. KING

COOK, CLARK, EGAN, YANCEY & KING

600 Commercial National Bank Building
Shreveport, Louisiana 71102

CERTIFICATE OF SERVICE

I hereby certify that copies of the above and foregoing response to the petition for writ of certiorari has been served upon counsel for the other parties hereto by mailing copies thereof, postage prepaid and properly addressed, as follows:

Mr. W. Scott Wilkinson
Post Office Box 1707
Shreveport, Louisiana 71102

Mr. Marion K. Smith
908 Petroleum Tower
Shreveport, Louisiana 71101,

this ..... day of October, 1968.

.....

Benjamin C. King
of counsel for Respondent.